

Mark R Ciabattari, and all other persons  
similarly situated,

Plaintiffs,

vs.

Toyota Motor Sales, U.S.A., Inc., a California  
corporation, et al,

Defendants.

Third Stipulation Continuing Plaintiff’s Motion to Remand this Action to the Superior Court, Defendant Toyota Motor Sales, U.S.A., Inc.’s Motion to Dismiss, and Defendant Goodyear Dunlop Tires North America, Ltd’s Motion to Dismiss or, Alternatively, to Strike Portions of the Plaintiff’s Complaint and (proposed) Order

1       Whereas, currently the last day to meet and confer re initial disclosures, early settlement,  
2 ADR process selection and discovery plan and to file Joint ADR Certification with Stipulation to  
3 ADR process or Notice of Need for ADR Phone Conference is April 14, 2006;

4       Whereas, the last day to serve initial disclosures or state any objection to Rule 26(f)  
5 Reports, to file the Case Management Statement, and to file Rule 26(f) Reports is April 28, 2006;

6       Whereas, the Case Management Conference is currently set for May 12, 2006;

7       Whereas, on February 8, 2006, plaintiff joined with plaintiffs in similar class actions  
8 pending in federal district courts in Connecticut, New York, New Jersey, Illinois and Florida  
9 filed a motion to have all the cases transferred to a single district court and coordinated and  
10 consolidated for pretrial purposes under 28 U.S.C. § 1407, to which motion defendants have  
11 acquiesced;  
12

13       Whereas, on March 15, 2006, counsel for the plaintiffs in this and in the Connecticut,  
14 New York, New Jersey, Illinois and Florida actions met with counsel for each of the defendants  
15 in San Francisco to discuss a nationwide settlement;  
16

17       Whereas, the parties need more time to either reach a memorandum of understanding on  
18 settlement of these actions or to determine if settlement is not possible at this stage of the  
19 proceedings;  
20

21       IT IS HEREBY STIPULATED, by and between counsel, that the pending motions may  
22 be continued to Friday, June 16, 2006, at 10:00 AM, and that the parties' respective reply  
23 memoranda shall be filed and served 14 days before the hearing date.

24       IT IS FURTHER STIPULATED that the last day to meet and confer re initial  
25 disclosures, early settlement, ADR process selection, and discovery plan shall be June 23, 2006;  
26 the last day to file Joint ADR Certification with Stipulation to ADR process or Notice of Need  
27 for ADR Phone Conference shall be June 23, 2006;  
28

1 IT IS FURTHER STIPULATED that the last day to serve initial disclosures or state any  
2 objection to the Rule 26(f) Report, to file the Case Management Statement, and to file the Rule  
3 26(f) Report shall be June 30, 2006; and

4 IT IS FURTHER STIPULATED that the Case Management Conference shall be held on  
5 either Friday, July 7, 2006, at 10:00 AM or such date thereafter as may be convenient to the  
6 Court.

8 Dated: March 17, 2006. KEMNITZER, ANDERSON, BARRON & OGILVIE LLP

9 By /s/ Mark F Anderson  
10 Mark F Anderson  
Attorney for Plaintiff & the Class

11 Dated: March 20, 2006.

12 WILSON, ELSER, MOSKOWITZ, EDELMAN,  
13 & DICKER LLP

14  
15 By /s/ Christine Starkie  
Christine Starkie  
16 Attorney for Defendant Goodyear Dunlop  
17 Tires North America, Ltd.

18 Dated: March 17, 2006.

19 O'MELVENY & MYERS LLP

20  
21 By /s/ Thomas M Riordan  
Thomas M Riordan

22  
23 **Order Continuing Motions & Resetting Case Schedule**

24 Based upon the parties' stipulation and for good cause shown, the hearing on the motions  
25 referenced above shall be continued to Friday, June 16, 2006, at 10:00 AM; the last date to meet  
26 and confer re initial disclosures, early settlement, ADR process selection, and discovery plan  
27 shall be June 23, 2006; the last day to file Joint ADR Certification with Stipulation to ADR  
28

1 process or Notice of Need for ADR Phone Conference shall be June 23, 2006; the last day to  
2 serve initial disclosures or state objection to Rule 26(f) Report, to file the Case Management  
3 Statement, and to file the Rule 26(f) Report shall be June 30, 2006; and the Case Management  
4 Conference shall be held on July 7, 2006.

5 Dated: March 20., 2006.

